

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF NURSING

IN THE MATTER OF THE SUSPENSION OR :
REVOCATION OF THE CERTIFICATE OF :

JACQUETTA D. HALL, CHHA :
Certificate No. 26NH12806900 :

ADMINISTRATIVE ACTION

FINAL ORDER OF
DISCIPLINE

TO PRACTICE AS A HOMEMAKER-HOME :
HEALTH AIDE IN THE STATE OF NEW :
JERSEY :

This matter was opened to the New Jersey State Board of Nursing (the "Board") upon receipt of information which the Board has reviewed and on which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Jacquetta D. Hall ("Respondent") is the holder of certificate number 26NH12806900 and has been certified at all times relevant hereto.

2. Upon receipt of a flagging notice indicating that Respondent was arrested on June 17, 2011 by the Camden County Sheriff's Office for Theft by Deception, N.J.S.A. 2C:20-4, the Board sent a letter of inquiry, requesting certain information and submission of documents, to Respondent's address of record in Camden, New Jersey, via regular and certified mail on or

about March 5, 2012. The regular mailing was not returned; the certified mailing was returned to the Board as "unclaimed."

3. As of July 11, 2012, Respondent had not provided a response to the Board's request for information.

CONCLUSIONS OF LAW

Respondent's failure to respond to the Board's request for information in a timely manner constitutes a failure to cooperate with a Board investigation, in contravention of N.J.A.C. 13:45C-1.2 and N.J.A.C. 13:45C--1.3, in violation of N.J.S.A. 45:1-21(e), subjecting Respondent to disciplinary action pursuant to N.J.S.A. 45:1-21(h).

Respondent's failure to provide the Board with a valid address constitutes a violation of N.J.A.C. 13:37-5.7.

Discussion

Based on the foregoing findings and conclusions, a Provisional Order of Discipline seeking the suspension of respondent's certification to practice as a homemaker-home health aide in the State of New Jersey and a fine of \$200 was entered on July 11, 2012. A copy was forwarded to respondent's last known address by means of both regular and certified mail. The regular mailing was not returned; the certified mail was returned to the Board as "unclaimed." The Provisional Order was

subject to finalization by the Board at 5:00 p.m. on the 30th day following entry unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

Respondent replied to the Provisional Order of Discipline, furnishing a response to the Demand for a Statement Under Oath. Respondent did not indicate why she did not respond sooner. In light of respondent's reply, the Board determined that the suspension, provisionally imposed by the Order, is no longer appropriate. However, the Board sustains the \$200.00 civil penalty based on respondent's initial failure to cooperate.

The Demand for a Statement Under Oath was sent to respondent on March 5, 2012. The Provisional Order of Discipline was not filed until July 11, 2012, more than four months later. Respondent replied to the Provisional Order of Discipline on or about August 17, 2012. The Board finds that an Order should not be required to elicit a response from a licensee to a Board request for information because, if a

licensee can, with impunity, delay responding to Board inquiries without any penalties, the Board will be hampered from performing its functions. Respondent's written response was received, but only after the Board contemplated taking disciplinary action against her license. As a certificate holder Respondent remains responsible for ensuring that all board inquiries are answered in a timely fashion. For this reason, it is warranted that the civil penalty of \$200.00 be imposed but the suspension of Respondent's certification is not warranted and will not be imposed.

ACCORDINGLY, IT IS on this 2nd day of March, 2013,

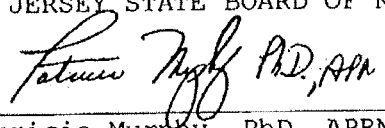
ORDERED that:

1. A civil penalty in the amount of \$200.00 is imposed upon Respondent. Payment shall be made by certified check or money order, payable to the State of New Jersey, delivered to George Hebert, Executive Director, State Board of Nursing, P.O. Box 45010, Newark, New Jersey 07101. Payment shall be made no later than 15 days after the entry of this Final Order of Discipline. In the event Respondent fails to make a timely payment, a certificate of debt shall be filed in accordance with N.J.S.A 45:1-24 and the Board may bring such other proceedings as authorized by law.

2. Nothing herein precludes the Board from taking action on the underlying conduct that was originally the subject of inquiry in this matter.

NEW JERSEY STATE BOARD OF NURSING

By:



Patricia Murphy, PhD, APRN
President